

**Notice of Allowability**

Application No.

10/676,842

Examiner

Stephen A. Holzen

Applicant(s)

NOLAN, BROOKS R.

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 11/29/2004.
2. ☒ The allowed claim(s) is/are 8-35 and 52-84.
3. ☒ The drawings filed on 29 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>1/20/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, with respect to claims 8-35, 52-63 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.
2. Applicant's arguments, with respect to claims 64-84 have been fully considered and are persuasive. The examiner was convinced that the limitation "wide body aircraft" imparts structural limitations not found in the prior art. (see exhibit D)
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Enders on December 13, 2004.

The application has been amended as follows:

Claim 8 is changed to read:

An aerial dispersion system configured for use with a host aircraft,  
comprising:

two or more modular aerial dispersant holding tanks configured to  
be sequentially loaded into said host aircraft and coupled together within  
said fixed aircraft to provide a dispersant material flow path,

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a dispersal regulator configured to be coupled to said two or more  
aerial dispersant holding tanks; and

an airborne dispersal device configured to be coupled to said  
dispersal regulator,

wherein said host aircraft is a fixed wing aircraft, and

said aerial dispersant holding tanks are configured with a shape  
and outer dimensions that correspond to dimensions of a cargo container  
employed in a side-loading cargo system of said fixed wing host aircraft,  
or wherein said two or more modular aerial dispersant holding tanks are  
configured to be installed and removal from an aircraft passenger  
compartment of said fixed wing host aircraft through a passenger door  
opening of said fixed wing host aircraft.

Claim 11, line 5: The phrase "of a host aircraft" is changed --of said host  
aircraft--.

Claim 12, line 6: The phrase "cargo hold of a host aircraft" is changed to --cargo  
hold of said host aircraft--.

Claim 18, line 1: The phrase "where said one or" is changed to read --where said  
two or--.

Claim 19, line 5: The phrase "to one or more systems of a host aircraft" is  
changed to --to one or more Host Aircraft Systems--.

Claim 32, line 5: The phrase "to one or more systems of a host aircraft" is  
changed to --to one or more Host Aircraft Systems--.

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Claim 76, line 5: The phrase "to one or more systems of a host aircraft" is changed to --to one or more Host Aircraft Systems--.

***Allowable Subject Matter***


4. Claims 8-35,52-84 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah

  
TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER